HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.16484 of 2006

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Between:

Vijaya Lakshmi Waddera Labour Contract Cooperative Society Ltd. rep by its President V.Yadagiri S/o Shankaraiah Prashanthnagar, Langer House, Hyderabad

…Petitioner

A n d

The Government of Andhra Pradesh rep. by its Secretary, Municipal Administration, Secretariat, Hyderabad and others

…Respondents

:: **O R D E R** ::

Counsel for the Petitioner : Sri Koona Reddy Anji Reddy

Counsel for the Respondents : Government Pleader for Municipal Administration

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09th August, 2006

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Per G.S.Singhvi, CJ

In this petition filed in the name of public interest, the petitioner has prayed for grant of a declaration that the action of the respondents in not inviting tenders for execution of sanitation works in three zones of Alwal Municipality as is done in the neighbouring municipalities of Ranga Reddy District and allotment of works to the interested three groups continuously for the last three years is illegal, arbitrary and violative of tender rules and regulations and Article 14 of the Constitution. It has been further prayed that the respondents be directed to cancel allotment of works to the three groups and call for tenders in open auction by following the government orders in favour of weaker sections.

In paragraph 3 of the affidavit filed by him, Sri Y.Yadagiri, President, Vijaya Lakshmi Waddera Labour Contract Cooperative Society Limited (petitioner) has averred as under:

> "3. It is submitted that as a collusion of 3rd respondent authority and Municipality members and Commissioners, Corporators and Chairman of the Municipality and got resolution from the date of 4-6-2004 and allotted sanitation works to M/s.Malleswari Mahila Podupu Sangham, Alwal, M/s.Asmin Mahila Podupu Sangham, Macha Bollarum and M/s.Chaitanya Mahila Podupu Sangham, Venkatapuram. The Municipal Council and officials in theMunicipality who are behind these Podupu Sanghams and are able to get resolutions in favour of these Podupu Sanghams only. They are able to get resolutions for the year of

2006 and 2007 also in spite of getting resolutions for the year 2004-2005 and 2005 to 2006. They are paying Rs.94/- per head to the persons working in the sanitation work as per SS rates. The allotted Podupu Sanghams (Contractors) who are able to get sanitation works or paying the persons who are undergoing sanitation works very more amount but not Rs.94/- and they are not engaging enough persons and not able to clean the areas in the Always Municipality as a result of which streets are becoming unclean and leading to lot of diseases. The 3rd respondent authority used to call tenders every year up to the date of 4-6-2002, but not for last three years. In surrounding municipalities the tenders are being called for the sanitation works in the month of March and April. The 3rd respondent herein not calling any tenders in three zones of Municipality, those are Macha Bollarum, Venkatapuram, Alwal. Our society got orders in Writ Petition No.10103/2004 dated 22-6-2004 to follow various Government Orders and memo No.13628/K1/2002-01 dated 14-10-2002 according to which they have to follow reservation by allotting 15% of the works called for tenders and then 3rd respondent herein without calling tenders and allotting through resolutions for last three years, is amounts to not following said Government Memo. Number of people gave representations call for tenders to the sanitation works in the Municipality and to stop misuse of funds belonging to the public and to stop illegal activities undergone by respondent and council. The illegal action of 3rd respondent not calling tenders to the sanitation works in three zones of Alwal Municipality and allotting through resolutions without calling open tenders is illegal, arbitrary and violation of tender rules and regulation whenever public money is involved."

We have heard learned counsel for the petitioner. In our opinion, the writ petition is liable to be dismissed on the short ground that even though the petitioner has prayed for cancellation of the works allotted to three groups for the last three years, none of the groups or their representatives has been impleaded as party respondent and

without issuing notice and without giving an opportunity of hearing to such groups or their representatives, works allotted to them cannot be cancelled by the Court.

The allegations made against the officers of Alwal Municipality, its Chairman and Corporators that they are favouring M/s.Malleswari Mahila Podupu Sangham, Alwal, M/s.Asmin Mahila Podupu Sangham, Macha Bollarum and M/s.Chaitanya Mahila Podupu Sangham, Venkatapuram are too vague to warrant a roving enquiry in the matter, and we do not find any justification to issue such direction, more so because the petitioner has neither placed on record the copy of Resolution dated 4-6-2004 nor a prayer has been made to quash the same.

For the reasons stated above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.20568 of 2006 filed by the petitioner for grant of interim relief is also dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

09th August 2006

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